

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

AVIAD BESSLER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ZAFGEN, INC. and THOMAS E. HUGHES,

Defendants.

Civil Action No. 1:15-cv-13618-FDS

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION TO DISMISS  
THE AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C. §78u-4(b)(3)(A), Defendants Zafgen, Inc. and Thomas E. Hughes ("Defendants") move to dismiss the Amended Class Action Complaint ("Amended Complaint") in its entirety and with prejudice. As grounds for this Motion, Defendants state as follows:

The Amended Complaint should be dismissed for the reasons stated in the Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Class Action Complaint and the Declaration of Deborah S. Birnbach in Support of Defendants' Motion to Dismiss the Amended Class Action Complaint, along with accompanying exhibits.

WHEREFORE, Defendants respectfully request that this Court issue an Order dismissing the Amended Complaint in its entirety and with prejudice, and granting such other and further relief that the Court deems just and proper.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Defendants request oral argument on their Motion to Dismiss the Amended Class Action Complaint.

Dated: April 7, 2016

Respectfully submitted,

ZAFGEN, INC., and THOMAS E.  
HUGHES

By their attorneys,

/s/ Deborah S. Birnbach  
Deborah S. Birnbach (BBO # 628243)  
Adam Slutsky (BBO # 625084)  
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**LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE**

I, Deborah S. Birnbach, hereby certify that counsel for the parties conferred concerning the subject of this motion prior to filing, but were unable to resolve or narrow the issues in dispute.

I further certify that a copy of the foregoing Motion to Dismiss the Amended Class Action Complaint, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on April 7, 2016.

Dated: April 7, 2016

/s/ Deborah S. Birnbach  
Deborah S. Birnbach